

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF WEST VIRGINIA

3 United States of America,
4 ex rel., Louis Longo,
5 Plaintiffs,

6 VS.

CIVIL ACTION NO.

7 5:19-cv-192

8 Wheeling Hospital, Inc.,
9 R&V Associates, Ltd., and
10 Ronald L. Violi,

11 Defendants.

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13 Proceedings had in the motion hearing of the
14 above-styled action on June 25, 2019, before Honorable John
15 Preston Bailey, District Judge, at Wheeling, West Virginia.

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6 Transcript produced by computer-aided transcription.

7 Tuesday Afternoon Session,

8 June 25, 2019, 2:00 p.m.

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10 THE COURT: I would ask the clerk to call the case.

11 THE CLERK: This is the case of Louis Longo, et al.,
12 versus Wheeling Hospital, Inc., et al., Civil Action Number
13 5:19-CV-192.

14 Will the parties please note their appearance for the
15 record.

16 MR. KINSKEY: May it please the Court, Greg Kinskey,
17 United States Attorney's Office, Northern District of West
18 Virginia. I have with me also counsel for the government,
19 Rohith Srinivas from the Department of Justice, and AUSA Colin
20 Callahan from the Western District of Pennsylvania.

21 MR. CALLAHAN: Good afternoon, Your Honor.

22 MS. POTTER: Your Honor, also Sharon Potter on behalf
23 of the relator, Louis Longo, along with Amy Easton and Jeffrey
24 Dickstein, who have been admitted pro hac vice.

25 MS WILSON: Good afternoon, Your Honor. Kristen
Andrews Wilson on behalf of R&V Associates, Mr. Violi. Along
with me are Kerry Verdi and Stephen Stallings. I'm also
admitted pro hac vice.

1 MR. CHERNENKO: Your Honor, I'm Marc Chernenko. I
2 appear for Wheeling Hospital. And with me is Meena Sinfelt,
3 who has been admitted pro hac vice and also represents Wheeling
4 Hospital.

5 MS. SINFELT: Good afternoon, Your Honor.

6 THE COURT: Good afternoon.

7 All right. Let me start, I note some of you are
8 admitted pro hac vice. It is the requirement of this district
9 that nongovernmental attorneys pay a fee to the Northern
10 District of West Virginia and to pay a fee to the West Virginia
11 State Bar, which is required under our local rules.

12 I don't know whether everybody's done that or not.
13 Because of the short amount of time between this case being
14 scheduled for a hearing and all the pro hac vice requests
15 coming in, I just signed them, but I would warn you, I guess,
16 to be sure that both entities are paid so that we don't have
17 any problem revoking pro hac vice. And we have two cases here,
18 and you need to pay a fee for each under our rules, so please
19 see that that's done.

20 Now, one question that strikes me, I've never had a
21 qui tam action where the government intervened in part. What
22 does that leave me? Am I operating then under two complaints?

23 MR. CALLAHAN: Certainly, Your Honor. Colin Callahan
24 on behalf of the government. I think I can go ahead and
25 address that.

1 THE COURT: Please.

2 MR. CALLAHAN: So the scope of the case that the
3 United States is pursuing is obviously delineated in the
4 complaint and intervention that we filed at this point. There
5 are circumstances, and it's permitted under sort of the
6 statutory scheme for qui tam suits, that a relator can pursue
7 additional claims or theories, in theory. The time for the
8 relator's counsel -- and they'll correct me if I'm wrong -- to
9 have served a copy of their complaint, if they had intended to
10 do so in this case, has come and gone. And so the entire scope
11 of the case that exists right now is what is, in fact, detailed
12 in the United States' complaint and intervention.

13 THE COURT: Does anyone disagree with that? Okay.

14 That makes it easier. The main reason that -- other
15 than to meet all of you -- that I scheduled this is the issue
16 of the deposition of Mr. Violi. I have read all the
17 submissions. I have read the medical report which was
18 submitted in camera. I'm prepared to rule, but if anyone would
19 like to be heard before I do, now's the time.

20 MR. CALLAHAN: Well, Your Honor, I really want to
21 answer any questions the Court may have as much as anything. I
22 don't want to stand up here and waste your time by repeating
23 what's in the briefs, which I think are set forth in motion
24 fairly well.

25 Obviously, the case law has changed somewhat here,

1 and we are now in a different district than when we briefed the
2 motion and when it was previously argued. I think the standard
3 is still essentially the same. I think it's well-vested viewer
4 discretion as to how to handle this, but the government stands
5 ready to answer any questions Your Honor may have on the issues
6 that are raised there.

7 THE COURT: What's the scope of your intended
8 examination?

9 MR. CALLAHAN: Sure. So I think that because the
10 purpose here, Your Honor, is to preserve testimony for trial,
11 it's not a circumstance where we could sort of clearly
12 delineate different aspects of the case. At the same time,
13 we're mindful there are serious health issues here, and if it
14 would be useful to make accommodations for Mr. Violi to perhaps
15 shrink the total time that we were going to take the deposition
16 and reserve the rest, I think we're open to that conversation.

17 We're also open to structuring the deposition over a
18 number of days, if that would ease some of the medical
19 constraints, but I don't think we have a subject matter
20 specific distinction to propose at this time.

21 THE COURT: All right.

22 MR. DICKSTEIN: Your Honor, Jeffrey Dickstein on
23 behalf of Louis Longo. I might add, because of the other case
24 which has now been transferred by Judge Stamp to Your Honor,
25 there may be some additional issues. We think there's huge

1 overlap, and we can agree or disagree on whether that's true,
2 but to the extent that Mr. Violi is central to both of those
3 lawsuits, the examination would include the issues raised in
4 the other case, the new case transferred to you. So that's
5 just in response to your question about the scope.

6 We've asked -- the outstanding stay motion that we
7 filed in the other court, in Judge Stamp's court, that's
8 pending, although we have a new scheduling order. I would just
9 respond in saying there might be additional issues beyond that
10 limited to the government's qui tam complaint. We'd like to do
11 it one time. We understand the infirmity of Mr. Violi. Let's
12 do it once.

13 MS. VERDI: Good afternoon, Your Honor. Kerry Verdi
14 on behalf of Mr. Violi. And I have a few points that I would
15 like to make for the Court.

16 The first, I'm going to address what Mr. Dickstein,
17 just -- the argument Mr. Dickstein just made. Mr. Dickstein is
18 not before the Court on this motion. This motion was filed
19 only on behalf of the government. The case that Mr. Dickstein
20 is addressing is a wholly separate case and is not one in which
21 I'm a lawyer. I have not entered an appearance. That is
22 Wheeling Hospital against Louis Longo. So if he wants to file
23 a separate motion in that action, then I would suggest that he
24 do so, but I don't think it is proper for him to make that
25 argument before this Court today. Certainly, as relator's

1 counsel, had he wanted to join in on the government's motion,
2 that was his right. He did not do so. So that is point number
3 one.

4 The second point is I would -- just to bring you up
5 to speed, in preparation for today's hearing I followed up with
6 the medical provider with whom you have -- from whom you have a
7 letter, and there is no update to provide. There has been no
8 substantial change from the letter that you have received with
9 respect to Mr. Violi's health.

10 And the third point that I would raise to you is you
11 asked Mr. Callahan about the scope of Mr. Violi's deposition,
12 and I think in addition to his health issues, which you are
13 aware of from the in camera submission, the scope is the second
14 issue before the Court that was addressed in Wheeling
15 Hospital's brief that was adopted by Mr. Violi in our brief,
16 and I did, in preparation for today's hearing, look at the case
17 law for this jurisdiction, and in the case of *Michael v. Estate*
18 *of Kovarbasich*, which is a 2015 decision out of this court,
19 when asking for expedited discovery, an issue that the courts
20 need to look at is the breadth of the discovery that is
21 requested.

22 And the government simply said to you today that it's
23 to preserve his testimony for trial. But if you look at the
24 complaint before you, and I won't go into all the detail, but
25 just, I think, one paragraph to highlight is paragraph 101, and

1 that complaint says that there are, quote, at least 36
2 physicians at issue.

3 To prepare Mr. Violi for a deposition in the way in
4 which the government is requesting, one in which a magistrate
5 would be present to rule on objections, until we have gotten
6 through initial disclosures and have a sense of the scope, it
7 is impossible to even prepare Mr. Violi, were he in any health
8 position to do so, for a deposition that would address at least
9 36 physicians. We have a right to know the scope of the
10 government's case. And there's case-specific case law when it
11 comes to qui tams in particular that specifically does not
12 allow for discovery to be a fishing expedition.

13 And it continues to be our position that Mr. Violi is
14 certainly not able at this point in time to give a deposition,
15 and hopefully at some time when he would be, the contours of
16 this case need to be delineated. We have to be through the
17 motions to dismiss, initial disclosures, which will be done by
18 August 15th per the Court's order, so that we understand what
19 the scope of that deposition would be and it doesn't turn into
20 an impermissible fishing expedition, contrary to both the law
21 of this jurisdiction and qui tam law in general.

22 Thank you, Your Honor.

23 MR. CHERNENKO: We have nothing to add, Your Honor.

24 MR. CALLAHAN: I could just address the points that
25 were raised by counsel, Your Honor, if that's okay.

1 In terms of the current health of Mr. Violi and any
2 update that counsel may be providing ex parte to the Court, I
3 can't speak to those issues, Your Honor, obviously. Your Honor
4 may well be aware -- I suspect you are -- that when we were in
5 front of Judge Horan arguing this motion previously, one of her
6 suggestions had been -- I thought it was a wise one -- that
7 Mr. Violi's counsel and he consider making that information
8 available to -- on a very limited basis, to attorneys for the
9 government's side, literally in a room where we would view it,
10 so that we would have a better sense of exactly what we're
11 dealing with. We were amenable to do that.

12 Unfortunately, it was not something that we were able
13 to reach agreement on, so I simply can't speak to the condition
14 of Mr. Violi presently, other than I can tell you we've been --
15 it's been represented to us that since we first tried to take,
16 during the course of this investigation in July of 2018, we've
17 been told that a variety of different health conditions which I
18 gather have worsened over time, have prevented him from
19 testifying.

20 We first raised this issue after it coming to light
21 there was some worsening conditions in April of 2019. We were
22 told at that time that for at least a three-month period
23 Mr. Violi was going to be unavailable. Obviously, we find
24 ourselves here nearly in July, and the representation is that
25 hasn't changed. I'm not suggesting that I doubt that in any

1 way. I'm just obviously at a bit of a disadvantage, Your
2 Honor, so I can't speak to that.

3 In terms of the scope issue that Ms. Verdi raises, I
4 have a very different reading of what the case law is talking
5 about there. The cases that have addressed this issue within
6 the Fourth Circuit generally and nationwide have generally
7 viewed with some disfavor circumstances where the requested
8 discovery isn't tailored to the reason for the discovery. And
9 so circumstances where a preliminary injunction hearing is the
10 predicate for the request and where the discovery request
11 itself is much broader than would be necessary to prepare for
12 that preliminary injunction would be one example.

13 Here the entire reason that we think that it is
14 important to try and take this deposition testimony early --
15 and I would just add that is not our preference. This is
16 simply the least bad option available, given some of these
17 concerns. I would much rather take this deposition in the
18 normal course, where I have the benefit of additional
19 discovery. But because we have very real concerns that that
20 may simply not be possible here, such that we would lose the
21 ability to preserve that testimony at all for somebody who is a
22 key witness in this case, who is a named defendant themselves,
23 who is, until very recently, the CEO of a second named
24 defendant, and who is one of two principals of the third and
25 final defendant in this case, the idea we may lose that

1 testimony, I think, is a compelling reason.

2 And obviously, a single deposition without requesting
3 document discovery and not seeking any depositions of anybody
4 else, in my view, is well-tailored to the reason for the
5 request itself. And I think that's what the case law speaks of
6 in terms of the scope of the discovery request itself.

7 So I did want to address those points. In terms of
8 the health issues going forward, we obviously defer to Your
9 Honor's judgment in terms of where Mr. Violi is and what he can
10 ultimately do. Judge Horan had obviously ordered that
11 continuing updates be provided. We think that's appropriate.

12 And more than anything I guess we just feel, frankly,
13 Your Honor, that any information that you feel that you need to
14 balance Mr. Violi's physical condition with I think the very
15 real countervailing considerations of the United States in this
16 case to preserve that testimony, we think you should have it.

17 And so the proposal that defendants have made in this
18 case where the Court would mechanically order a deposition 30
19 days after a physician had cleared it struck us as perhaps too
20 mechanical. And so a fluid circumstance where you have
21 whatever information you need and at an appropriate time would
22 order the deposition to go forward would be what we would
23 respectfully submit would be appropriate.

24 If you don't have any questions, I'll go ahead and
25 sit down.

1 THE COURT: Sit down.

2 MR. CALLAHAN: Thank you, Your Honor.

3 THE COURT: All right. The deposition of Mr. Violi
4 will proceed. I have some ground rules that I am going to
5 impose, and those will be in effect unless some alternative is
6 agreed to by all the parties.

7 First of all, the reasons it will proceed is
8 Mr. Violi is a critical witness in this case. The deposition
9 was requested in the summer of 2018. He was employed through
10 May of 2019, yet was not offered up for deposition.

11 I've reviewed the medical report that was provided to
12 me in camera, which was from Mr. Violi's urologist, who I deem
13 not the best person to have made such a report. So the
14 deposition is going to proceed. It will proceed at two hours
15 per day, and that two hours does not include breaks. It will
16 proceed on two nonconsecutive days per week, starting at least
17 by the week of July 8.

18 The deposition will be taken at Mr. Violi's home.
19 There will be one attorney for Mr. Violi and one attorney to
20 take the deposition. No other attorneys will be present.
21 Transcripts to be made available quickly, and each side will be
22 given opportunity to take -- to ask questions, but I'm not
23 going to have Mr. Violi's home cluttered by a bunch of people.
24 When it's your turn, you'll have the transcript and you can ask
25 what you need to do.

1 I don't want any general discovery. If I see a
2 question that wants to know where Mr. Violi went to high
3 school, somebody's going to be in trouble. On the other hand,
4 if I detect some shenanigans on the part of the deponent, there
5 could be sanctions.

6 The party taking the deposition is required to
7 provide a copy to the Court as soon as they get it.

8 Given the fact that it's going to be in Mr. Violi's
9 home and Mr. Violi's home is in Pittsburgh, I can't make a
10 magistrate judge go to the house and sit around. I'm not
11 available the first week, but after that week I will be
12 available. Magistrate Judge Jim Mazzone will be available. If
13 there's an issue, call us. We'll be glad to take your call. I
14 won't say we'll be glad to take your call. We'll take your
15 call.

16 Questions?

17 MS. SINFELT: Your Honor, Meena Sinfelt on behalf of
18 Wheeling Hospital. Wheeling Hospital has concerns about
19 privilege issues that may arise and how Wheeling Hospital may
20 assert its privilege if it is not present during --

21 THE COURT: What privilege?

22 MS. SINFELT: Mr. Archer is the general counsel. In
23 the complaint there are specific paragraphs which relate to
24 discussions between Mr. Archer and Mr. Violi, and we have
25 concerns that the government may ask questions about those.

1 THE COURT: And you're afraid Mr. Violi won't assert
2 the privilege. Is that --

3 MS. SINFELT: I believe that Mr. Violi -- it's
4 Wheeling Hospital's privilege. I'm not sure that his counsel,
5 on behalf of him personally, is able to assert it without us
6 there. If we can come to some agreement, then that's fine, but
7 I don't believe that they have standing to do that without us
8 present.

9 THE COURT: Okay. You had a comment.

10 MS. VERDI: I was just going to say, Your Honor, two
11 things. First, that as Mr. Violi's personal counsel, we would
12 not object, obviously, to having counsel from the hospital
13 present as well, since he was their CEO.

14 THE COURT: You say you do object.

15 MS. VERDI: No, I do not. I would also say, while
16 Ms. Sinfelt didn't raise it, I think the hospital probably has
17 an absolute right to be there as a named defendant, but there
18 are those concerns in terms of privilege that I may not be in
19 the best position to assert on behalf of -- I can't assert on
20 behalf of the hospital. I don't represent the hospital.

21 Two other issues. One would be the total hours of
22 which you are -- I assume is still the seven hours total for
23 his deposition?

24 THE COURT: No. This deposition, it's only going to
25 be four hours a week. We're going to go till it's done.

1 MS. VERDI: The other question I would ask, I
2 understand that you'd said that it was to begin the week of
3 July 8th.

4 THE COURT: Yes.

5 MS. VERDI: I am aware of a treatment schedule and
6 testing that is to be prior to that time, and I would ask that
7 we move it to the week -- the week after July 8th to
8 accommodate for his health. We will not be able to meet with
9 him prior to that, given some things that will be occurring
10 between now and then.

11 THE COURT: Any objection to starting the week of the
12 15th?

13 MR. CALLAHAN: Your Honor, if it's okay, perhaps
14 counsel can compare schedules and quickly get this set for a
15 time period that works for everyone. Bluntly, my wife will
16 murder me if I offer up an opinion on an exact date that week
17 when I'm scheduled to be in Maine, but we will make it happen
18 on the governmental side of things.

19 THE COURT: Okay. As I said at the beginning, unless
20 agreed to by the parties, you all can fool with it as you feel
21 necessary. And I will allow one representative from Wheeling
22 Hospital to attend.

23 MR. CALLAHAN: A couple points of clarification, Your
24 Honor, if I may.

25 We had proposed a video deposition. Is that

1 acceptable to the Court? The concern, obviously, is if a jury
2 is hearing a case at some point, there are nonverbal things
3 that can be rather important.

4 THE COURT: Yeah, I'll allow video.

5 MR. CALLAHAN: Thank you, Your Honor.

6 And I guess if it helps to clarify things, we can
7 also discuss it with counsel, but in the event that R&V is
8 comfortable and Mr. Violi is comfortable perhaps allowing two
9 government attorneys to attend, we would not have an objection
10 to having both Wheeling Hospital and R&V present there.

11 THE COURT: We're going to have Wheeling Hospital
12 and -- one counsel from Wheeling Hospital, one counsel from
13 R&V, and one counsel from the government.

14 MR. CALLAHAN: Very good, Your Honor. Thank you.

15 MR. CHERNENKO: Your Honor, with respect to the pro
16 hac requirements of local counsel, for purposes of the
17 deposition, would that be waived? I think the rules require
18 that local counsel be present.

19 THE COURT: Obviously.

20 MR. CHERNENKO: Thank you.

21 MS. VERDI: And Your Honor, one last point I think is
22 important to put on the record. It's touched upon in the
23 letter that you received from Mr. Violi's treating physician.

24 Because of -- I have to be careful about how I phrase
25 this. I don't want to disclose any of Mr. Violi's health

1 condition, but because of where he stands right now, as is
2 touched on, there is a very real possibility that some of the
3 questions and the things that may be asked of him he simply is
4 not going to remember at this time, and I need to put that on
5 the record.

6 I've had certainly some discussions with him, given
7 what he's going through at this time, and I don't want that to
8 be taken as shenanigans on the part of my client or
9 gamesmanship simply because of what he is going through --
10 there are -- it's difficult because of the constraints, but
11 there are -- certainly there are going to be some topics that
12 he just simply may not recall because of where he is right now
13 mentally and physically.

14 THE COURT: You've put that on the record.

15 MS. VERDI: Thank you.

16 MR. DICKSTEIN: Your Honor, Jeffrey Dickstein for
17 Louis Longo. I understand that we're not here on the other
18 case, but I don't want to burden the Court and Mr. Violi with
19 coming back to say there are limited questions in that case
20 that may not apply to this case. And we'd like an opportunity
21 on a very limited basis to question Mr. Violi at one time so
22 we're not -- he doesn't have to go through this again. We
23 haven't filed a motion in that case, but I just want to make
24 the Court aware of our need to do that at some point.

25 THE COURT: I'd suggest you file a motion in that

1 case and I will address that when we see how this works out.
2 But I'm giving the government first bite at the apple.

3 MR. DICKSTEIN: Yes, sir.

4 THE COURT: Anything else?

5 MR. KINSKEY: Nothing else, Your Honor.

6 MS. SINFELT: Just one second, Your Honor, if we
7 could. Your Honor, if we may, the government has referred to
8 in its complaint that they would enter into a protective order
9 and give us some information that they withheld in their
10 complaint. I don't know if we would be able to get that
11 information before the deposition, or if we would be getting
12 any information to narrow or at least get any information about
13 what the scope of their deposition will be so we may be able to
14 defend our CEO and our case so as to not be prejudiced at
15 trial.

16 MR. CALLAHAN: Your Honor, I can address that. The
17 reference to the need for a protective order for a very limited
18 set of information is simply PII that relates to sample claims
19 that are referenced, so the names of particular patients. I
20 don't think that's going to be a focus of deposition topics.
21 It's something that we will certainly get to. But it's simply
22 patient-identifying information for the sample claims which are
23 otherwise well delineated in the complaint and set forth.

24 THE COURT: Okay. He says that's not going to be a
25 topic of the questions, but there was reference made to 36

1 physician contracts. I don't recall those being -- a list of
2 the 36 being in your complaint. Is that correct?

3 MR. CALLAHAN: The complaint identifies a number
4 of --

5 THE COURT: It does, but I didn't get to 36.

6 MR. CALLAHAN: I would have to go back and look at
7 the actual complaint, Your Honor, the honest to god truth, but
8 let me make a larger point that may address the issue raised by
9 Ms. Sinfelt. There are particular contractual provisions that
10 we think are problematic, which appear to be the exact same
11 contractual provisions which reappear over and over again in a
12 number of different contracts. We have good reason to think
13 that there are 36 or so of those, may well be more, but it's
14 the same contractual provision, at least according to some of
15 the investigative testimony that we've taken.

16 So it's not as if the goal here is to walk through
17 every single physician who has had this contractual provision.
18 It's to talk about the contractual provisions with some
19 examples.

20 THE COURT: Okay.

21 MS. SIN FELT: Your Honor, and I think the government
22 just pointed out our exact concern. He just said, may well be
23 more. And if they're going to take and preserve testimony for
24 trial and then amend their complaint or add more claims, I
25 think that Wheeling Hospital has a right to be put on notice of

1 the actual claims.

2 THE COURT: If they don't know who they are yet, it's
3 pretty hard to.

4 MS. SINFELT: I don't believe that Mr. Callahan was
5 saying that. He just said, or more.

6 MR. CALLAHAN: Your Honor, I think the complaint
7 speaks for itself. We've alleged systematic fraud, and so
8 we've provided examples, which is typically what we do in these
9 cases and which courts across the country have ruled is
10 sufficient for pleading purposes. I don't know the names of
11 every person who has a contract like that. That's what
12 discovery is for.

13 THE COURT: But you do have a list of 36.

14 MR. CALLAHAN: We do, Your Honor. Page 27 of the
15 complaint lists examples. Those are the ones we've listed by
16 name. And I don't remember a reference in the complaint to 36.
17 There may be. If it is, it relates to a spreadsheet that
18 Wheeling Hospital provided to us during the course of the
19 investigation.

20 THE COURT: Well --

21 MR. CALLAHAN: Which we can reproduce to them that
22 single spreadsheet.

23 THE COURT: I want them to know the 36 names.

24 MR. CALLAHAN: We'll make sure they do, Your Honor.

25 MS. SINFELT: Thank you, Your Honor.

1 MS. VERDI: One final request in trying to limit
2 the -- determine the contours of this in this deposition in
3 this case, I would request that the judge order that initial
4 disclosures be made prior to the start of the deposition.

5 THE COURT: Can you do it?

6 MR. CALLAHAN: We're going to start the week of the
7 8th, Your Honor. I think that would be a very challenging sort
8 of thing to put together.

9 THE COURT: When are you supposed to be in Maine?

10 MR. CALLAHAN: I leave the 12th, Your Honor.

11 THE COURT: For?

12 MR. CALLAHAN: A week. We return on the 20th.

13 THE COURT: So you don't want to do it the week of
14 the 8th because of some treatment.

15 You don't want to do it the week of the 15th because
16 of your vacation, which is a valid -- since I'm leaving day
17 after tomorrow, it's a very valid point. So okay. Let's aim
18 at starting the depositions the week of the 22nd, but I want
19 your disclosures in by the 15th.

20 MR. CALLAHAN: That seems reasonable, Your Honor.
21 Thank you very much. And that would be all parties'
22 disclosures exchanged by the 15th?

23 THE COURT: No. Just yours.

24 MR. CALLAHAN: Understood, Your Honor. Thank you.

25 THE COURT: Are we done here?

1 MR. CALLAHAN: Nothing further for the United States,
2 Your Honor.

3 THE COURT: All right. Thank you.

4 (Proceedings concluded at 2:34 p.m.)
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1 CERTIFICATE

2 I, Cindy L. Knecht, Registered Professional Reporter
3 and Official Reporter of the United States District Court for
4 the Northern District of West Virginia, do hereby certify that
5 the foregoing is a true and correct transcript of the
6 proceedings had in the above-styled action on June 25, 2019, as
7 reported by me in stenotypy.

8 I certify that the transcript fees and format comply
9 with those prescribed by the Court and the Judicial Conference
10 of the United States.

11 Given under my hand this 15th day of July 2019.

12 /s/Cindy L. Knecht

13 _____
14 Cindy L. Knecht, RMR/CRR
15 Official reporter, United States
16 District Court for the Northern
17 District of West Virginia
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